

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LISA GEDNEY,

Plaintiff,

-against-

NOTICE OF MOTION

DOLGEN NEW YORK, LLC, incorrectly
sued as DOLLAR GENERAL
CORPORATION, and DOES 1-10, et. al.,

Civ. Action No.: 6:24-CV-06244 (EAW)

Defendants.

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), on _____, 2024, or as soon thereafter as can be heard, Defendant, Dolgen New York, LLC, incorrectly sued as Dollar General Corporation, will move to dismiss all claims contained in Plaintiff's Complaint (Dkt. # 1) against it on the basis of lack of subject matter jurisdiction and failure to state a claim and, likewise, deny any subsequent request by Plaintiff to amend the Complaint and cure any deficiencies outlined in Defendant's motion under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), together with such other and further relief as the Court deems appropriate. Defendant will bring this motion ***on submission*** before the Hon. Elizabeth A. Wolford, Chief United States District Judge, Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, unless the Court directs that oral argument is required or necessary. This motion is supported by an Attorney Declaration, Affidavit of Adam Zager, sworn to June 13, 2024, Memorandum of Law and any oral argument the Court conducts, any Reply Memorandum, Affidavits or

other evidence that Defendant, Dolgen New York, LLC, incorrectly sued as Dollar General Corporation may submit or file.

Dated: June 14, 2024

SMITH, SOVIK, KENDRICK & SUGNET, P.C.

By: _____

Karen G. Felter, Esq.

Bar Roll No. WD0006031

Daniel R. Ryan, Esq.

Bar Roll No. WD513902

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LLC, incorrectly sued as Dollar General
Corporation*

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